

Prem Singh and others vs. State of Haryana.

Present:- Mr.Aashit Malik Advocate
for the petitioners.

Mr. Narinder Sura, AAG Haryana.

Mr.Y.S.Rathore, Advocate
for the complainant.

Heard learned counsel for the parties.

The role attributed to the petitioners has been brought out in the cross version recorded in the FIR that has been registered on the statement of Vikram (petitioner No.2). The cross version has been recorded on the statement of Rajbir son of Parmal. As per the cross version Ved Parkash (non-petitioner) was armed with a sword. Prem Singh (petitioner No.1) and Vikram (petitioner No.2) were armed with 'gandassis'. KanwalPal (non-petitioner) Satish (petitioner No.3) and Pintoo (petitioner No.4) were armed with lathies. In the occurrence Vikram (petitioner No.2), gave a gandasi blow on the head of Rajbir. Second blow was given with a lathi by Kanwal Pal (non-petitioner) below the left knee of Rajbir. Prem Singh (petitioner No.1) gave a gandasi blow on the left hand of Jaibir brother of Rajbir. Ved Parkash (non-petitioner) attacked the complainant with his sword and the blow landed on his (Rajbir's) back. Thereafter, Kanwal Pal (non-petitioner) and Satish (petitioner No.3) gave one blow each with their lathies to Jaibir, the brother of the complainant. Pintoo (petitioner No.4) along with others gave lathi blows to Jaibir. Nabh Singh (petitioner No.5) has not been attributed any specific role.

At the time of granting interim bail on 27.4.2007 learned counsel for the State submitted that the DSP Karnal, Jagat Singh Hooda,

had informed him that in an inquiry held by him he deleted the offence under Section 452 IPC which was found to be made out on the statement of Vikram Singh (petitioner No.2) against Rajbir etc, on whose statement the cross version has been recorded. Today, it is stated that in fact the said offence has not been deleted. Therefore, it appears that it is the accused in the FIR i.e. Rajbir and others who came to the house of the petitioners and offence under Section 452 IPC stands registered against them. However, Vikram, (petitioner No.2), has been attributed a gandasi blow on the head of Rajbir.

In the circumstances, the interim order dated 27.4.2007, in respect of petitioners No.1,3,4 and 5 is made absolute, subject to the provisions of Section 438 Cr.P.C.

The application qua Vikram (petitioner No.2) is dismissed.

The criminal miscellaneous stands disposed of accordingly.

10.5.2007.

Reema

(S.S.SARON)
JUDGE